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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,134	09/29/2000	Stanton J. Taylor	10022/039	1622

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BRINKS HOFER GILSON & LIONE  
ONE INDIANA SQUARE, SUITE 1600  
INDIANAPOLIS, IN 46204

EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/16/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/677,134

Applicant(s)

TAYLOR, STANTON J.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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#### DETAILED ACTION

1. This office action is an acknowledgment of Applicant's Declaration Under 37 CAR 1.131 filed on July 7, 2003, (paper #12).

#### *REMARK*

2. The examiner acknowledges applicant's exhibit A, however, applicant fail to specifically point out or map specific portions and dates that corresponds to specific limitations of the pending claims 1-41 in the applicant's submitted both affidavit or declaration under 37 CFR 1.131 and Exhibit. The Exhibit A merely shows a printout from amazon.com a book entitled "NetCentric and client/server computing" by Mark Goodyear which is published by Auerback on December 18, 1998. However, there is no relation between the sets forth the book entitled "NetCentric and client/server computing" by Mark Goodyear and the applicant (Stanton J. Taylor)'s claims invention in the applicant's submitted both affidavit or declaration and Exhibit. There is not copy of the applicant's book provided as part of the Exhibit.

In 37 CFR 1.131(b) "The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and from of the affidavit or declaration or their absence satisfactorily explained. (See M.E.P.. 715).

For example in the independent, Claim 1 recites "a plurality of database servers" corresponds to which specific part of the Applicant's Book?; "a plurality of data stores each in communication with one of the database servers, wherein the database servers are operable to

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access the data stores” corresponds to which specific part of the Applicant’s Book?. It is important to note that there is no relation or teaching of providing different way of segmenting and/or replicating the data to provide efficient and cost effective operation of the NetCentric computing system in the Applicant’s submitted exhibit A. In the declaration (paper no 12), applicant’s exhibit A only provides a printout from amazon.com which sets forth the publication date of the book by Mark Goodyear. However, such printout does not indicated how the claimed languages correspond to the applicant’s book. The examiner can not find applicant’s claims 1-41 in the exhibit A. Therefore, applicant hereby required specifically pointing out or mapping each claim limitation into his/her submitted book in response to this office action.

### ***Information Disclosure Statement***

3. The information disclosure statement (IS) filed on July 16, 2001 (paper no.8) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits. (See attached form).

### ***Drawings***

4. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in ABANDONMENT of the application.

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***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-2, 10, 14-15, 18, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Underwood US Patent no. 6,523,027.

As to claim 1, Underwood discloses a system for providing an interface between a first server and a second web and application server. In particular, Underwood discloses the claimed “a plurality of database servers” (items 4710 of fig.47); “a plurality of data stores each in communication with

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one of the database servers, wherein the database servers are operable to access the data stores” (fig.47); “a client communicating with the database servers, wherein each of the data stores includes a predetermined portion of the data used within the NetCentric computing system” (item 4702 of fig.47); and “a webserver in communicating with the client to act as the primary interface between and the client and the database servers” (item 4706 of fig.47).

As to claim 2, Underwood discloses “wherein the client communicates with the database servers using a web browser application” (item 4708 of fig. 47).

As to claims 10, 14-15, 18, and 23, the limitations of claims 10, 14-18, and 23 have been noted in the rejection of claims 1-2 above. They are, therefore, rejected under the same rationale.

7. Claims 28-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman Amuah (hereinafter “Amuah”) US Patent no. 6,529,948.

As to claim 28, Amuah discloses the claimed “storing data in a central database” (item 9706 of fig.97); “replicating a predetermined portion of the data to create replica data”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67); “transferring the replica data to a corresponding local database using a network”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67); “updating the data in the central database and the local database”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67); and

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“accessing the data and the replica data using the network and a webserver”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 29, Amuah discloses the claimed “the act of updating the data unidirectional such that the local database is read only and updates to the replica data are performed in the central database” (col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 30, Amuah discloses the claimed “requesting an update to the replica data within the local database is read only and updates to the replica data are performed in the central database”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 31, Amuah discloses the claimed “creating a snapshot of the data within the central database that corresponds to the replica data when the replica data is transferred”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 32, Amuah discloses the claimed “subsequently updating the local database with replica data that is replicated from the central database following an update of the data in the central database that corresponds to the snapshot”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

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As to claim 33, Amuah discloses the claimed “publishing the replica data when a pre-determined threshold is reached”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 34, Amuah discloses the claimed “monitoring the publication of replica data with a local database server, and updating the corresponding local database with replica data when the replica data that was published is an update to the replica data in the local database””(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 35, Amuah discloses the claimed “updating the central database and the local database using bi-directional replication”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 36, Amuah discloses the claimed “updating the central database and the local database using bi-directional replication”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 37, Amuah discloses the claimed “updating the central database and the local database using selective replication”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).



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As to claim 38, Amuah discloses the claimed “updating the central database with a remote log-on approach”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 39, Amuah discloses the claimed “updating the central database with a local checkout approach”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 40, Amuah discloses the claimed “updating the central database with a local checkout approach”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

As to claim 41, Amuah discloses the claimed “updating the central database and the database using a local strategy”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

***Claim Rejections - 35 U.S.C. § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 3-9, 11-13, 16-17, 19-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood US Patent no. 6,523,027 in view of Bowman Amuah (hereinafter "Amuah") US Patent no. 6,529,948.

As to claims 3-9, Underwood discloses substantially the invention as claimed. However, Underwood does not explicitly disclose the use "wherein the data is horizontally segmented to form the predetermined portion of the data included in each of the data stores"; wherein the data is horizontally segmented to form the predetermined portion of the data included in each of the data stores; "wherein the data is segmented horizontally and vertically to form the predetermined portion of the data included in each of the data stores"; wherein the predetermined portion of the data representing all of the data in the NetCentric computing system resided on at least one central data store.

On the other hand, Amuah discloses the use "wherein the data is horizontally segmented to form the predetermined portion of the data included in each of the data stores" (fig.46); "wherein the data is vertically segmented to form the predetermined portion of the data included in each of the data stores" (fig.46) and "wherein the data is segmented horizontally and vertically to form the

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predetermined portion of the data included in each of the data stores” (fig.46); discloses the claimed “wherein the predetermined portion of the data representing all of the data in the NetCentric computing system resided on at least one central data store” (col.23, lines 58-67; col.25, line 55-col.26 line 55; fig.84); “wherein a predetermined portion of the data is replicated to form the predetermined portion of the data residing on at least one local data store” (col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67); discloses the claimed “wherein the predetermined portion of the data residing on the at least one local data store is segmented” (col.23, lines 58-67; col.25, line 55-col.26 line 55; fig.14).

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have been motivated to utilize the teachings of Amuah into the system disclosed by Underwood because such a combination would allow Underwood’s system the enhanced capability of increasing data interaction across the network, thereby providing efficient retrieval of related objects.

As to claims 11-13, 16-17, 19-22 and 24-26, the limitations of claims 11-13, 16-17, 19-22 and 24-26 have been noted in the rejection of claims 3-9 above. They are, therefore, rejected under the same rationale. In addition, Amuah discloses the claimed wherein “the replication is by bi-directional and unidirectional”(col.23, lines 58-67; col.25, line 55-col.26 line 55; col.48, line 60-col.50, line 67).

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***Conclusion***

**10.** THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean M. Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-4393

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks Washington, D.C. 20231**

**or faxed to:**

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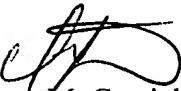
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(703) 746-7236, (for formal communications intended for entry) **Or:**

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive,**

**Arlington, VA., Sixth Floor (Receptionist).**

A handwritten signature in black ink, appearing to read 'J. Corrielus', written over the printed name.

Jean M. Corrielus

Patent Examiner

September 10, 2003